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Chris Daniel - District Clerk  
Harris County  
ED101J017537358  
By: Nelson Cuero

2013-34787 / Court: 133

CAUSE NO. \_\_\_\_\_

Jason Fetter

Plaintiff,

v.

Maersk Line, Limited

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Jason Fetter brings this action complaining of Defendant Maersk Line, Limited and would respectfully show the Court that:

**I.**

**Jurisdiction**

1. The claims asserted herein arise under the common law of Texas and general maritime law. This Court has jurisdiction because Defendant maintains its principal place of business in Harris County, Texas. Further, the case is not removable because Defendants are citizens of Texas since their principal place of business is in Texas.

**II.**

**Venue**

2. Venue is proper in this County because Defendant Maersk Line, Limited does a substantial amount of business here and has a principal place of business in Houston.

**III.**

**Parties**

4. Plaintiff resides in New York.

5. Defendant Maersk Line, Limited ("Maersk") is a Delaware corporation.

Maersk is registered to do business in Texas and, in fact, conducts a substantial amount of

**Exhibit**

**A**

business in this County and maintains a principal place of business here. Maersk may be served through its registered agent: CT Corporation System, 350 N. St. Paul St., Ste, 2900, Dallas, Texas 75201.

#### IV.

##### **Nature of the Action**

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about October 9, 2012. On or about this date, Plaintiff sustained severe injuries while working on the M/V MAERSK MONTANA, a vessel which was owned, operated and/or managed by Defendant. While the vessel was deployed on navigable waters, Plaintiff was working on the engine with others when a chain snapped, recoiled, and violently struck plaintiff's face, neck, and shoulder. As a result of Defendant's negligence, Plaintiff injured his face (including multiple fractures, a large laceration, and permanent nerve damage), neck, and shoulder, and other parts of his body.

7. Defendant was negligent and negligent per se for the following reasons:
- a. failure to properly supervise its crew;
  - b. failure to properly train its employees;
  - c. failure to provide adequate safety equipment;
  - d. operating the vessel with an inadequate crew;
  - e. failure to maintain the vessel;
  - f. vicariously liable for its employees' negligence;
  - g. violating applicable Coast Guard, OSHA, and/or other regulations;
  - h. violating its Section 905(b) duties; and
  - i. other acts deemed negligent.

8. At all relevant times, the vessel was unseaworthy.

9. As a result of said occurrences, Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which he now sues.

**V.**

**Jury Trial**

10. Plaintiff hereby requests a trial by jury on all claims.

**VI.**

**Prayer**

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that the Defendant appear and answer, and that upon final hearing, Plaintiff have judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, attorneys' fees, punitive damages, and all such other and further relief, to which he may show himself justly entitled.

Respectfully submitted,

**ARNOLD & ITKIN LLP**

/s/ Caj D. Boatright

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